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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/845,575

04/30/2001

John H. Lambert

2002635-0002

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30948

7590

09/02/2005

CLOCK TOWER LAW GROUP  
2 CLOCK TOWER PLACE, SUITE 255  
MAYNARD, MA 01754-2545

EXAMINER

TRAN, QUOC A

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/845,575

Applicant(s)

LAMBERT ET AL.

Examiner

Quoc A. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2 and 4-24 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in responses to RCE and Amendment both filed 08/05/2005. Claims 1-2 and 4-24 are currently pending in this application. Applicant has amended claims 1, 2, 11, 13, 21, 22, 23, 24 and cancelled claim 3. Claims 1, 2, 21, 22, 23, and 24 are independent claims.

#### **Continued Examination Under 37 CFR 1.114**

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/05/2005 has been entered.

#### **Response to Arguments**

3. Applicant's arguments with respect to claims 1-2 and 4-24 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Regarding to Applicant's arguments directed toward the un-amended claims. It is noted, that Finch in view of Yacoby fairly teach and/or suggest the claims' limitations.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 21 22 and 23 are rejected under 35 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Evidence that claims 1, 2, 21 22 and 23 fail(s) to correspond

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in scope with that which applicant(s) regard as the invention, such as, “... **to improve visibility of a web site** ...”, which are indefinite for failing to particularly point out and distinctly claim the subject matter, see Amendment filed 08/05/2005, pages 2, 3, 5, 6 and 7. Clarification and/or correction are required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 1-2 and 4-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Finch, II et al. US006282567B1 - filed 06/24/1999 (hereinafter Finch ‘567), in view of Davis et al. US006269361B1 - filed 05/28/1999 (hereinafter Davis ‘361), further in view of Yacoby et al. US006516311B1- filed 02/24/2000 (hereinafter Yacoby ‘311).

**In regard to independent claim 1, redirecting said identified human visitor from one of said links pointing to said marketing control engine to a web page in an existing web site of said online marketer** (Finch ‘567 at col. 4, lines 1-14, provides a software add on to detect whether a user or a search engine spider accesses a search engine content page, if it is a user, then the add-on application redirects the user to the company web server or to a client web server software, also as taught by Finch ‘567 at col. 3, lines 3-22, discloses advertisements is provided and maintained to web client server from the company web server or from a specified marketing

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content web site ), **distributing links across the Internet ...**, (Finch '567 at col. 4, line 53 through col. 5, line 15, also see FIG. 1, provides company web servers (CoWS), client web servers (CIWSs) couples to the Internet ), **delivering said virtual web page to an identified search engine spider** ( Finch '567 at col. 3, lines 39-46, discloses search engine content pages will be created upon a plurality of client web servers, each of which includes content for particular search terms and/or phrases. The search engines will then spider the search engine content pages. Based upon the content of these search engine content pages, the search engines will return corresponding links for a search of the search terms and/or phrases (e.g. a set of web client detection instructions that cause the client web server to detect a web client of a search engine content page of the at least one search engine content page; and a set of web client redirect instructions that cause the client web server to redirect the web client to the company web server, see Finch '567 at col. 12, lines 10-18) Examiner reads the above in the broadest reasonable interpretation of the claim limitations, wherein virtual web page would be an obvious variant of search engines will return corresponding links for a search of the search terms and/or phrases (e.g. it is inherently that the corresponding links for a search of the search terms and/or phrases is the virtual content pages), **and analyzing web traffic generated through said marketing control engine** ( Finch '567 at col. 3, lines 10-23, provides a maintaining advertisements upon the client web server upon the internet traffic);

Finch '567 does not explicitly teach, **said links created through a marketing control engine, and wherein said links point to said marketing control engine**, however (Davis '361 at col. 15, line 40 through col. 9, line 7, discloses a client computer with a browser program (e.g. navigators, Explorer or Mosaic) connected to the network of hundred of thousand of computers

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(e.g. Internet or the www) to locate the web pages stores on advertiser server), **receiving a request, at said marketing control engine, for a web page content from a requestor** (Davis '361 at col. 15, line 40 through col. 9, line 7, discloses a client computer with a browser program (e.g. navigators, Explorer or Mosaic) connected to the network of hundred of thousand of computers (e.g. Internet or the www) to locate the web pages stores on advertiser server. In addition, the browser program the browser programs can provide access to other pages, such as hyperlinks that are located within the web pages and provide an automated way for the user to enter the URL of another page and to retrieve that page to retrieve its content such as data records including as content plain textual information, or more complex digitally encoded multimedia content, such as software programs, graphics, audio signals, videos, and so forth. FIG. 7 shows an example of which is the search engine web server may be found by navigating to the web page at URL <http://www.goto.com/>, wherein the search result list web page, for the term "zip drives", such as entry would result list consists of a description of the web site a title and a short textual description, and a hyperlink which re-directs the searcher's browser to the URL where the described web site is located) Examiner reads the above in the broadest reasonable interpretation of the claim limitations a marketing control engine would be an obvious variant of an advertiser server to a person of ordinary skill in the art at the time the invention was made, **dynamically creating a virtual web page wherein content of said virtual web page is tailored to a specific search engine**, however (Davis '361 at col. 15, line 40 through col. 9, line 7, discloses the browser program, wherein the browser programs can provide access to other pages, such as hyperlinks that are located within the web pages and provide an automated way for the user to enter the URL of another page and to retrieve that page to retrieve its content such

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as data records including as content plain textual information, or more complex digitally encoded multimedia content, such as software programs, graphics, audio signals, videos, and so forth.

FIG. 7 shows an example of which is the search engine web server may be found by navigating to the web page at URL <http://www.goto.com/>, wherein the search result list web page, for the term "zip drives", such as entry would result list consists of a description of the web site a title and a short textual description, and a hyperlink which re-directs the searcher's browser to the URL where the described web site is located. As shows in FIG. 1 a client computers communicate through the network with various network information providers, including account management server, search engine server, and advertiser servers using the functionality provided by a HyperText Transfer Protocol (HTTP). Preferably, search engine server, account management server, and advertiser servers are located on the World Wide Web, also described by Davis '361 at col. 2, lines 42-67, an automated system, that automated search technology to catalog search results that rely on invisible web site descriptions, or "meta tags", that are allows Web site owners the flexibility to tag their sites as they choose to prioritize results in according with consumer references) Examiner reads the above in the broadest reasonable interpretation of the claim limitations, wherein creating a virtual web page would be an obvious variant of invisible web site descriptions, or "meta tags", to a person of ordinary skill in the art at the time the invention was made, **logging redirections, of identified human visitors, and visits, by search engine spiders, for reporting to said online marketer**, however (Davis '361 at col. 10, lines 35-59, Fig. 2, discloses a diagram showing menus, display screens, and input screens presented to an advertiser, includes a means of viewing activity reports (item 180), **and wherein said virtual web page provides linking data such that a search engine search result for said**

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**virtual web page contains a URL that points to said marketing control engine**, however (Davis '361 at col. 2, lines 42-67, an automated system, that automated search technology to catalog search results that rely on invisible web site descriptions, or "meta tags", that are allows Web site owners the flexibility to tag their sites as they choose to prioritize results in according with consumer references, also Davis '361 at col. 15, line 40 through col. 9, line 7, discloses a client computer with a browser program (e.g. navigators, Explorer or Mosaic) connected to the network of hundred of thousand of computers (e.g. Internet or the www) to locate the web pages stores on advertiser server. In addition, the browser program the browser programs can provide access to other pages, such as hyperlinks that are located within the web pages and provide an automated way for the user to enter the URL of another page and to retrieve that page),

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Finch '567 teaching, wherein a software add on to detect whether a user or a search engine spider accesses a search engine content page and redirecting human visitor from one of said links pointing to said marketing control engine to a web page in an existing web site of said online marketer, to include a means of said links created through a marketing control engine, and wherein said links point to said marketing control engine, receiving a request, at said marketing control engine, for a web page content from a requestor, dynamically creating a virtual web page wherein content of said virtual web page is tailored to a specific search engine of Davis '361. One of the ordinary skills in the art would have been motivated to perform such a modification to provide an automated system, that use automated search technology to catalog search results that rely on invisible web site descriptions, or "meta

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tags", that are allows Web site owners the flexibility to tag their sites as they choose to prioritize results in according with consumer references (as taught by Davis '361 at col. 2, lines 42-67).

**identifying the requestor is human visitor or a search engine spider** (Finch '567 at col. 4, lines 3-4, provides a software add on to detect whether a user or a search engine spider accesses a search engine content page), but Finch '567 and Davis '361 do not explicitly teach, **...by examining a user-agent tag and an IP address of an HTTP request of the requestor and comparing the user-agent tag and the IP address with requesting agent characteristic,** however (Yacoby '311 at col. 7, lines 16-19, also see FIG. 4 item 402, discloses a parsing server has a utility commonly known as a spider detector, also Yacoby '311 at col. 7, lines 16-19, disclose the different of user browser and a spider (a software program that generates automatic queries to retrieve information) based on the number of requests sent by that purported Internet user, the duration of the requests, and the like ( item 402), such as 2137086950.bytel.org and http://www.bytel.org) Examiner reads the above in the broadest reasonable interpretation of the claim limitations, wherein a user-agent tag and an IP address of an HTTP would be an obvious variant of 2137086950.bytel.org and http://www.bytel.org, to a person of ordinary skill in the art at the time the invention was made, **tracking movements of said identified human visitors across said web site of said online marketer,** however (Yacoby '311 at col. 7, lines 44-46, discloses a directory database contains records for individuals, businesses, government entities and anyone who establishes a presence on the Internet),

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Finch '567 teaching, wherein a software add on to detect whether a user or a search engine spider accesses a search engine content page and redirecting

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human visitor from one of said links pointing to said marketing control engine to a web page in an existing web site of said online marketer, to include a means of said links created through a marketing control engine, and wherein said links point to said marketing control engine, receiving a request, at said marketing control engine, for a web page content from a requestor, dynamically creating a virtual web page wherein content of said virtual web page is tailored to a specific search engine of Davis '361, further include a means of spider detector by examining a user-agent tag and an IP address of an HTTP request of the requestor and comparing the user-agent tag and the IP address with requesting agent of Yacoby '311. One of the ordinary skill in the art would have been motivated to modify this combination for increasing efficiency of advertising opportunity that arises out of the problems Internet users face in finding a web site, as taught by Yacoby '311 at col. 2, lines 19-20).

**In regard to independent claims 2, 21, 22, 23 and 24, incorporate substantially similar subject matter as cited in claim 1 above, and are similarly rejected along the same rationale.**

**In regard to dependent claim 4, incorporate substantially similar subject matter as cited in claim 1 above, and is similarly rejected along the same rationale.**

**In regard to dependent claim 5, wherein updateable templates are merged with user entered data to dynamically generate the one or more web sites, however (Yacoby '311 at col. 10, lines 47-50, disclose software program that generates automatic queries to retrieve information based on the number of requests sent by that purported Internet user, the duration of the requests, and the like).**

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Finch '567 teaching, wherein a software add on to detect

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whether a user or a search engine spider accesses a search engine content page and redirecting human visitor from one of said links pointing to said marketing control engine to a web page in an existing web site of said online marketer, to include a means of said links created through a marketing control engine, and wherein said links point to said marketing control engine, receiving a request, at said marketing control engine, for a web page content from a requestor, dynamically creating a virtual web page wherein content of said virtual web page is tailored to a specific search engine of Davis '361, further include a means of updateable templates are merged with user entered data to dynamically generate the one or more web sites of Yacoby '311. One of the ordinary skill in the art would have been motivated to modify this combination for increasing efficiency of advertising opportunity that arises out of the problems Internet users face in finding a web site, as taught by Yacoby '311 at col. 2, lines 19-20).

**In regard to dependent claim 6, wherein updateable templates are merged with information stored in a catalog database to dynamically generate the one or more web sites** (Finch '567 at col. 3, lines 16-19 (i.e....update events. One update event would be triggered if the prior advertisements failed to produce Internet traffic for the company. Another update event may be simply a period update trigger at which time the advertisements are automatically updated...)).

**In regard to dependent claims 7, 8, 9, 11, 13** incorporate substantially similar subject matter as cited in claim 1 above, and is similarly rejected along the same rationale.

**In regard to dependent claim 10, the URL link includes e-mail campaigns, however** (Yacoby '311 at col. 10, lines 47-50, disclose software program that generates automatic queries to retrieve information based on the number of requests sent by that purported Internet

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user, the duration of the requests, and the like, also Yacoby '311 at col. 10, lines 47-50, allow the user to compose a response e-mail).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Finch '567 teaching, wherein a software add on to detect whether a user or a search engine spider accesses a search engine content page and redirecting human visitor from one of said links pointing to said marketing control engine to a web page in an existing web site of said online marketer, to include a means of said links created through a marketing control engine, and wherein said links point to said marketing control engine, receiving a request, at said marketing control engine, for a web page content from a requestor, dynamically creating a virtual web page wherein content of said virtual web page is tailored to a specific search engine of Davis '361, further includes URL link contents e-mail campaigns of Yacoby '311. One of the ordinary skill in the art would have been motivated to modify this combination for increasing efficiency of advertising opportunity that arises out of the problems Internet users face in finding a web site, as taught by Yacoby '311 at col. 2, lines 19-20).

**In regard to dependent claim 12, updating in real time the redirect URL without affecting the existing URL, however (Yacoby '311 at col. 2, lines 34-51, i.e. ... REDIRECT command. Using this redirect command, the Internet user establishes a second at the URL and retrieves the desired web site, when the user clicks a hyperlink on web page. This is accomplished by encoding the web page with a masked "mini" hypertext documents (or applet) containing an advertisement which resides in the computers memory (RAM), without the user knowing it).**

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**In regard to dependent claim 14**, incorporate substantially similar subject matter as cited in claim 1 above, and further in view of the following, and is similarly rejected along the same rationale, **tracking via use of redirection with an IMAGE tag the human visitor across a plurality of web pages**, however (Yacoby '311 at col. 7, lines 44-46, discloses a directory database contains records for individuals, businesses, government entities and anyone who establishes a presence on the Internet).

**In regard to dependent claims 15**, incorporate substantially similar subject matter as cited in claims 1 and 14 above, and is similarly rejected along the same rationale.

**In regard to dependent claim 16**, **supplementing with additional dynamic code around the IMAGE tag in order to ensure that every request for the IMAGE is unique and to avoid caching the IMAGE data, thereby forcing each request to be processed unique**, however (Yacoby '311 at col. 3, lines 14-20, provides an internet user form submitting a telephone number to viewing a web page. The present invention is further directed to a methodology to display a targeted advertisement to an Internet user for a good or service which is of present interest to the Internet user based on that Internet user's desire to view a web page corresponding to a particular telephone number).

**In regard to dependent claims 17**, incorporate substantially similar subject matter as cited in claim 10 above, and is similarly rejected along the same rationale.

**In regard to dependent claims 18, 19 and 20**, incorporate substantially similar subject matter as cited in claim 1 above, and is similarly rejected along the same rationale.

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**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A Web Crawler in Perl - by Mike Thomas Published 08/1997      Publisher: Linux Journal

Bowen et al.      US006094649A      filed      12/22/1997

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 11AM to 7PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R Heather can be reached on (571) -272-4136. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran  
Patent Examiner  
Technology Center 2176  
August 30, 2005

*William J. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
2/31/2005